

**IN THE UNITED STATES BANKRUPTCY COURT
FOR THE SOUTHERN DISTRICT OF TEXAS
HOUSTON DIVISION**

In re: § **Chapter 11**
§
CORE SCIENTIFIC, INC., et al., § **Case No. 22-90341 (CML)**
§
Debtors.¹ § **(Jointly Administered)**

**SPHERE 3D CORP.’S MOTION TO SEAL SPHERE 3D CORP.’S OBJECTION TO
DEBTORS’ EMERGENCY MOTION TO VACATE THE SCHEDULING ORDER AND
CERTAIN EXHIBITS THERETO**

Sphere 3D Corp. (“Sphere”) respectfully states the following in support of *Sphere 3D’s Corp.’s Motion to Seal Sphere 3D Corp.’s Objection to Debtors’ Emergency Motion to Vacate the Scheduling Order and Certain Exhibits Thereto* (the “Motion”).

RELIEF REQUESTED

1. Sphere files this Motion to request entry of an order, substantially in the form attached hereto (the “Proposed Order”), authorizing Sphere to: (i) file a redacted version of Sphere’s Objection² (filed simultaneously with this Motion) to *Debtors’ Emergency Motion for an Order Vacating the Scheduling Order in the Sphere Contested Matter and Consolidating the Sphere Contested Matter with the Adversary Proceeding* [Docket No. 1464] (“Emergency Motion to Vacate the Scheduling Order”) and redacted versions of certain exhibits thereto, because Sphere’s Objection and certain of the exhibits thereto contain personally sensitive information; and (ii) to file under seal an unredacted version of Sphere’s Objection and unredacted versions of

¹ The debtors in these chapter 11 cases, along with the last four digits of each debtor’s federal tax identification number, are as follows: Core Mining LLC (6971); Core Scientific, Inc. (3837); Core Scientific Acquired Mining LLC (N/A); Core Scientific Operating Company (5526); Radar Relay, Inc. (0496); Core Scientific Specialty Mining (Oklahoma) LLC (4327); American Property Acquisition, LLC (0825); Starboard Capital LLC (6677); RADAR LLC (5106); American Property Acquisitions I, LLC (9717); and American Property Acquisitions, VII, LLC (3198) (each a “Debtor” and collectively, the “Debtors”). The Debtors’ corporate headquarters and service address is 210 Barton Springs Road, Suite 300, Austin, Texas 78704.

² Docket No. 1474

certain exhibits thereto which shall remain confidential and under seal and not made available to anyone without the consent of Sphere and the Debtors, or further order of this Court.

JURISDICTION AND VENUE

2. The Court has jurisdiction over this Motion under 28 U.S.C. § 1334. Venue is proper under 28 U.S.C. §§ 1408 and 1409.

3. The bases for the relief requested herein are sections 105(a), 107(b), and 107(c) of title 11 of the United States Code (the “Bankruptcy Code”), rule 9018 of the Federal Rules of Bankruptcy Procedure (the “Bankruptcy Rules”), and rules 9013-1 and 9037-1 of the Bankruptcy Local Rules for the Southern District of Texas (the “Bankruptcy Local Rules”), and the Procedures for Complex Cases in the Southern District of Texas.

BACKGROUND

4. On August 30, 2023, the Court entered an Agreed Scheduling Order at Docket No. 1188.

5. On November 25, 2023, Debtors filed their Emergency Motion to Vacate the Scheduling Order.

6. The relief requested herein is supported by sections 105(a), 107(b), and 107(c) of the Bankruptcy Code. Specifically, under section 107(b) of the Bankruptcy Code, the Court is authorized to issue orders to protect entities with respect to certain confidential or commercial information, 11 U.S.C. § 107(b), and under section 107(c)(1) of the Bankruptcy Code, the Court may protect an individual with respect to other information contained in a pleading if disclosure of such information would create under risk of unlawful injury to the individual, 11 U.S.C. § 107(c)(1). Further, section 105(a) of the Bankruptcy Code, which codifies the Court’s inherent

equitable powers, empowers the Court to “issue any order, process, or judgment that is necessary or appropriate to carry out the provisions of this title.” 11 U.S.C. § 105(a).

7. Bankruptcy Rule 9018 implements section 107(b) of the Bankruptcy Code and provides in relevant part: “On motion or on its own initiative, with or without notice, the court may make any order which justice requires (1) to protect the estate or any entity in respect of a trade secret or other confidential research, development, or commercial information, (2) to protect any entity against scandalous or defamatory matter contained in any paper filed in a case under the [Bankruptcy] Code[.]” Fed. R. Bankr. P. 9018. Furthermore, Bankruptcy Local Rule 9037-1 authorizes the Court to limit public access to certain documents.

8. Here, Sphere’s Objection and certain exhibits attached thereto include (i) non-public sensitive commercial information for which public disclosure of such information could be competitively harmful to Sphere, and (ii) confidential health and medical information about an executive of Sphere, and disclosure of this personal information creates an undue risk of unlawful injury to such person by jeopardizing the privacy and safety of such person through unnecessary disclosure of health and personal medical details.

9. In light of the foregoing, Sphere asks the Court for authority to: (i) file a redacted version of Sphere’s Objection and redacted versions of certain exhibits thereto; and (ii) file an unredacted version of Sphere’s Objection and unredacted versions of the exhibits thereto under seal.

CONCLUSION

WHEREFORE, Sphere respectfully requests that this Court enter the Proposed Order granting the relief requested in this Motion, and granting such other and further relief the Court deems just and proper.

Dated: November 28, 2023

Respectfully submitted,

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Co-Counsel for Sphere 3D Corp.

CERTIFICATE OF SERVICE

I certify that on November 28, 2023, a true and correct copy of the foregoing document was served by the Electronic Case Filing System for the United States Bankruptcy Court for the Southern District of Texas on those parties registered to receive electronic notices.

/s/ Timothy A. (“Tad”) Davidson II
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